

3. Whether the District Court erred in finding that the Bankruptcy Court did not abuse its discretion in determining that the theory of recovery set forth in the Motion to Ratify was frivolous?
4. Whether the District Court erred in finding that granting the Motion to Ratify would prejudice the estate such that the Motion to Ratify should be denied?
5. Whether the District Court correctly applied an abuse of discretion standard of review as opposed to a de novo standard of review to the Bankruptcy Court's determination that the Motion to Ratify should be denied because the proposed amendment would be futile?

With respect to the designation of the record, the Electronic Record on Appeal for USCA5 23-10660 (the "eROA") was certified on July 21, 2023. Appellant is satisfied that everything it would have designated in accordance with Rule 6(b)(2)(B) has already been certified and made available to the Circuit Clerk. However, and out of an abundance of caution, the Appellant designates everything included within and certified as the eROA.

Dated: August 1, 2023

Respectfully submitted,

/s/ Louis M. Phillips

KELLY HART PITRE

Louis M. Phillips

One American Place

301 Main Street, Suite 1600

Baton Rouge, LA 70801-1916

Telephone: (225) 381-9643

Facsimile: (225) 336-9763

Amelia L. Hurt

400 Poydras Street, Suite 1812

New Orleans, LA 70130

Telephone: (504) 522-1812

Facsimile: (504) 522-1813

and

KELLY HART & HALLMAN LLP

Hugh G. Connor II
Michael D. Anderson
Katherine T. Hopkins
201 Main Street, Suite 2500
Fort Worth, TX 76102
Telephone: (817) 332-2500
Facsimile: (817) 878-9280

**ATTORNEYS FOR CLO HOLDCO,
LIMITED**

CERTIFICATE OF SERVICE

I, undersigned counsel, hereby certify that a true and correct copy of the foregoing document was served via ECF notification on August 1, 2023, on all parties receiving electronic notification.

/s/ Louis M. Phillips

Louis M. Phillips

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